

AGENDA

CONNECTICUT MEDICAL EXAMINING BOARD Tuesday, October 18, 2011 at 1:30 PM

**Legislative Office Building
300 Capitol Avenue, Hartford Connecticut
Conference Room 1-C**

CALL TO ORDER

I. APPROVAL OF MINUTES

September 20, 2011

II. UPDATES

- A. Chair Updates
- B. Information Updates
Department of Public Health

III. NEW BUSINESS

- A. Proposed Memorandum of Decision
Neil Smerling, MD - Petition No. 2009-200921
- B. Respondent Motion to Dismiss Statement of Charges
Motion to Rescind Summary Suspension
Chiman Patel, MD – 2011-296

IV. 120 DAY EXTENSIONS

Chiman Patel, MD – 2011-296
Mary Jane Brackett, MD - Petition No. 2009-200970

V. LEGAL OFFICE BUSINESS

- A. William Beason, MD – Petition No. 2010-148
Presentation of Consent Order – Linda Fazzina, Staff Attorney, DPH
- B. Joel Singer, MD – Petition No. 2010-148
Presentation of Consent Order – Mathew Antonetti, Principal Attorney, DPH

VI. OPEN FORUM

ADJOURN

The following minutes are draft minutes which are subject to revision and which have not yet been adopted by the Board.

**CONNECTICUT MEDICAL EXAMINING BOARD
MINUTES of September 20, 2011**

The Connecticut Medical Examining Board held a meeting on Tuesday, September 20, 2011 at the Legislative Office Building, Capitol Avenue, Hartford, Connecticut in conference room 1-C.

BOARD MEMBERS PRESENT:

Anne Doremus, Chairperson
Raymond Andrews, Jr., Esq.
Douglas Fellows, MD
David M. Goldenberg, MD
Jeffrey A. Gordon, MD
Robert Green, MD
Rabbi Dov Greer
Henry Jacobs, MD
Michael Lindberg, MD
Patricia Loving, PA
Edward McAnaney, Esq.
Daniel Rissi, MD
Howard Sadinsky, DO
C. Steven Wolf, MD

BOARD MEMBERS ABSENT

Ms. Doremus called the meeting to order at 1:34 p.m.

Dr. Green moved and Dr. Fellows seconded to add item V-H (Jeffrey Lane, MD) to the agenda. The motion passed unanimously.

I. MINUTES

The draft minutes of the August 16, 2011 meeting were reviewed. Dr. Goldenberg made a motion, seconded by Dr. Wolf, to approve the minutes as written. The motion passed with all in favor except Dr. Fellows and Dr. Gordon who abstained.

II. UPDATES

A. Chair Updates

1. Monthly tracking of pending cases.
2. Hearing assignments.

Mr. McAnaney arrived at 1:37 p.m.

B. Department of Public Health

Marianne Horn, Esq., Department of Public Health, Agency Legal Director introduced herself to the Board.

C. Charles Ray Jones, MD v. Connecticut Medical Examining Board (CV08-4016294-S)

The Board reviewed a letter from Assistant Attorney General Tanya DeMattia regarding Dr. Jones' appeal to the Supreme Court. The only issue to be addressed by the Court will be whether "preponderance of the evidence" or "clear and convincing evidence should have applied in this matter.

III. **NEW BUSINESS**

A. Residency Equivalency Determination - Guixiang Wang, MD
Maritsa Morales, Licensing and Applications Analyst, Department of Public Health presented information for the Board to review to determine if Dr. Wang's education and training are equivalent to 2 years of ACGME accredited residency training. Following discussion Dr. Lindberg made a motion, seconded by Dr. Jacobs to deny the acceptance of Dr. Wang's education and training as being equivalent to the two year ACGME accredited training requirement. The motion with all in favor except Mr. Andrews, Dr. Goldenberg, Dr. Fellows and Rabbi Greer who were opposed.

B. Oral Argument on Proposed Memorandum of Decision
Gerson Sternstein, MD - Petition No. 2009-200921

Attorney Richard Tynan was present with respondent. Staff Attorney David Tilles was present for the Department of Public Health. Assistant Attorney General Daniel Shapiro was present to provide counsel to the Board.

Dr. Wolf and Rabbi Greer recused themselves in this matter.

Attorney Tynan offered to present written comments prepared by Dr. Sternstein. The Board unanimously voted to deny this request.

Hearing panelists Ms. Doremus and Dr. Jacobs provided a synopsis of the hearing panel's findings and recommendations.

The Board heard argument from Attorney's Tynan and Tilles.

Dr. Green made a motion, seconded by Dr. Fellows, to adopt the Memorandum of Decision as written.

The motion passed with all in favor except Rabbi Greer and Dr. Wolf who were recused.

Ms. Doremus signed the Order which revokes Dr. Sternstein's license and imposes a \$50,000.00 civil penalty.

B. Oral Argument on Proposed Memorandum of Decision
Francisco Carbone, MD - Request for License Reinstatement

Dr. Carbone was present without counsel. Principal Attorney Matthew Antonetti was present for the Department of Public Health.

The Board heard argument from Dr. Carbone and Attorney Antonetti.

Hearing panelists Ms. Doremus and Dr. Lindberg provided a synopsis of the hearing panel's findings and recommendations.

Dr. Goldenberg made a motion, seconded by Dr. Jacobs, to adopt the Memorandum of Decision as written.

The motion passed unanimously.

Ms. Doremus signed the Order which denies Dr. Carbone's request for license reinstatement.

IV. **120 DAY EXTENSIONS**

D. Goodkind, MD – Petition No. 2008-0310-001-045 – Second hearing day to be scheduled

R. Mahabir, MD - Petition No. 2008-0201-001-017 - Hearing day to be scheduled

Dr. Goldenberg made a motion, seconded by Dr. Fellows, to grant 120 day extension in these matters. The motion passed unanimously

V. LEGAL OFFICE BUSINESS

A. John Bonadies, MD – Petition No. 2009-20091429

David Tilles, Staff Attorney, Department of Public Health presented a Consent Order in this matter. Attorney Richard Tynan was present on behalf of respondent.

Dr. Lindberg made a motion, seconded by Dr. Sadinsky, to approve deny the Consent Order.

The motion passed with all in favor except Dr. Wolf, Dr. Goldenberg and Ms. Loving who recused themselves. Ms. Doremus signed the Order which imposes a reprimand of respondent's license.

B. Asante K. Mendes, MD – Petition No. 2009-2009264

Leslie Scoville, Staff Attorney, Department of Public Health presented a Motion to Withdraw Statement of Charges subsequent to a pre-hearing conference in this matter. Attorney Richard Tynan was present on behalf of respondent.

Dr. Green made a motion, seconded by Dr. Goldenberg, to grant the motion to withdraw.

The motion passed with all in favor except Dr. Wolf who recused himself.

C. Laurent Brard, MD – Petition No. 2010-5470

David Tilles, Staff Attorney, Department of Public Health presented a Consent Order in this matter. Respondent was not present or represented.

Dr. Green made a motion, seconded by Dr. Wolf, to approve the Consent Order.

The motion passed unanimously. Ms. Doremus signed the Order which imposes a reprimand of respondent's license.

D. Gregory Criscuolo, MD – Petition No. 2010-7

Diane Wilan, Staff Attorney, Department of Public Health presented a Consent Order in this matter. Neither respondent nor his attorney was present.

Dr. Sadinsky made a motion, seconded by Dr. Wolf, to approve the Consent Order.

The motion passed unanimously. Ms. Doremus signed the Order which imposes a reprimand of respondent's license.

E. Phyllis Holtzman, MD – Petition No. 2010-5619

Matthew Antonetti, Principal Attorney, Department of Public Health presented a Consent Order in this matter. Respondent was not present or represented.

Dr. Jacobs made a motion, seconded by Dr. Wolf, to approve the Consent Order.

The motion passed unanimously. Ms. Doremus signed the Order which imposes a reprimand of respondent's license.

F. Jarir Nakouzi, MD – Petition No. 2007-0424-001-060

David Tilles, Staff Attorney, Department of Public Health presented a Consent Order in this matter. Attorney Heidi Cilano was present on behalf of respondent.

Mr. McAnaney made a motion, seconded by Ms. Loving, to approve the Consent Order.

The motion passed with all in favor except Dr. Jacobs who was opposed. Ms. Doremus signed the Order which places respondent's license on probation for two years and imposes a practice restriction and a \$5000.00 civil penalty.

G. Kathy Hazen Lane (unlicensed) – Petition No. 2011-983

David Tilles, Staff Attorney, Department of Public Health presented a Consent Order in this matter. Respondent was not present.

Dr. Goldenberg made a motion, seconded by Dr. Wolf, to approve the Consent Order. The motion passed unanimously. Ms. Doremus signed the Consent Order which orders respondent to cease and desist from the practice of medicine.

H. Jeffrey Lane, MD – Petition No. 2011-177

David Tilles, Staff Attorney, Department of Public Health presented a Consent Order in this matter. Respondent was present with Attorney Thomas Anderson.

Dr. Goldenberg made a motion, seconded by Dr. Green, to deny the Consent Order

The motion passed with all in favor except Mr. Andrews, Ms. Loving and Mr. McAnaney who were opposed and Dr. Rissi who rescued himself.

VI. ADJOURNMENT

As there was no further business, the meeting was adjourned at 4:00 p.m.

Respectfully submitted,

Anne C. Doremus, Chairperson